SERVED: November 7, 2002

NTSB Order No. EA-5005

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24) on the 7th day of November, 2002

MARION C. BLAKEY,
Administrator,
Federal Aviation Administration,

Complainant,

V.

MICHAEL B. HALL,

Respondent.

ORDER DISMISSING APPEAL

On August 17, 2002, respondent filed a timely notice of appeal from the written decision Administrative Law Judge Patrick G. Geraghty issued in this case on August 14, 2002, granting the Administrator's motion for summary judgment. However, respondent did not subsequently file a timely appeal brief, and his appeal is therefore subject to dismissal under section

¹The law judge affirmed an order of the Administrator revoking any and all airman pilot certificates held by respondent, including Private Pilot Certificate No. 002571018, for his alleged violation of section 61.15(a)(2) of the Federal Aviation Regulations, 14 CFR Part 61.

²Petitioner's appeal brief was due on September 13, 2002.

821.48(a) of the Board's Rules of Practice. See 49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Ronald S. Battocchi General Counsel

§ 821.48 Briefs and oral argument.

³Section 821.48(a) provides as follows:

⁽a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.